

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Finality Rule and Equitable Relief
7-CP (Revision 3)**

Amendment 8

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 72 B has been amended to clarify that the Report of Equitable Relief (PA 135P) will **not** be used to report SED equitable relief decisions that are reported under SED Report of Exercise of Special Approval (PA 134R).

Subparagraph 72 C has been amended to require that the Report of Finality Rule (PA-129R) **must** include all cases and details on the amount of overpayments reduced or eliminated because of finality regardless of whether the decision to apply or approve finality was FSA's or NAD's.

Page Control Chart		
TC	Text	Exhibit
	4-3, 4-4	

72 Reports

A SED Report of Exercise of Special Approval (PA-134R)

SED's who exercise the special relief approval authority, according to paragraph 48, must report the exercise of such authority using the format in Exhibit 10. SED Report of Exercise of Special Approval (PA-134R) shall be submitted:

- to PECD by FAX at 202-690-2130
- on approval of each case of relief to a participant using the special relief approval authority of SED.

It is not necessary to report the name or ID number of the participant receiving relief. However, SED Report of Exercise of Special Approval (PA-134R) shall reflect the total relief being granted to the participant using the special relief approval authority of SED. For example, if a participant is granted relief under multiple programs, each program shall be listed, but the amount of relief approved shall reflect the total relief approved.

B Report of Equitable Relief (PA-135P)

The statute requires an annual report of the number of requests for equitable relief and the disposition of the request. Each State Office shall submit Report of Equitable Relief (PA-135P) using the format in Exhibit 11.

Report of Equitable Relief (PA-135P):

- must be submitted to PECD by FAX at 202-690-2130 by January 3 each year

Note: Negative reports are required.

- shall cover **all** cases for which equitable relief under misinformation/misaction or failure to fully comply was requested according to the provisions of this handbook.

Notes: This includes any case for which equitable relief was approved or denied during the calendar year, by any approving authority, if the basis for relief occurred on or after May 13, 2002.

*--The report does **not** include programmatic relief or cases reported under subparagraph A.--*

72 Reports (Continued)

C Report of Finality Rule (PA-129R)

DAFP requires an annual report of the number of cases to which the finality rule was applied. Each State Office shall submit Report of Finality Rule (PA-129R) using the format in Exhibit 12.

Report of Finality Rule (PA-129R):

- must be submitted to PECD by FAX at 202-690-2130 by January 3 each year

Note: Negative reports are required.

- shall cover **all** cases to which the finality rule was applied, according to the provisions of this handbook, during the calendar year
- *--must include all cases and the amount of overpayments reduced or eliminated because of finality regardless of whether the decision to apply the rule was FSA's or NAD's.--*

D Submitting Reports to FMD

PECD will:

- summarize the annual Report of Equitable Relief (PA-135P) and Report of Finality Rule (PA-129R) reports
- provide a copy of the summarized annual Report of Equitable Relief (PA-135P) and Report of Finality Rule (PA-129R) reports to FMD for Improper Payments Information Act, Pub. L. 107-300 purposes.